

MINUTES

**McDowell Sonoran Preserve Commission
1st Floor Community Development Conference Room
7447 E. Indian School Road
Scottsdale, Arizona 85251
Thursday, March 4, 2004**

CALL TO ORDER

Chairman DeCabooter called the meeting to order at 5:05 p.m., noting the presence of a quorum.

ATTENDANCE

Present: Art DeCabooter, Chairman
Christine Kovach, Vice-Chair
Carla
Erik Filsinger
Laura Fisher
Howard Myers
Arnold Roy
Solange Whitehead
Don Ruff

Absent: Denny Carr
Virginia Korte

Staff: Bob Cafarella
Don Meserve

Visitors: Chet Andrews, Jane Rau, Bernie Finkel

APPROVAL OF MINUTES FOR JANUARY 8, 2004 MEETING

Commissioner Carla requested the following corrections:

1. addition of Solange Whitehead to Commissioners present
2. Page 3, Paragraph 2: after "with the possibility of land transfer at zero cost" add: as compensation must be provided for adjacent acres.

ON MOTION MADE BY COMMISSIONER RUFF AND SECOND BY COMMISSIONER FISHER, THE JANUARY 8, 2004 MINUTES WERE APPROVED AS CORRECTED. THE MOTION PASSED UNANIMOUSLY BY A VOTE OF 9-0.

UPDATE: STATE TRUST LANDS WORKING GROUP

Commissioner Carla provided the Commissioners with an article from the Arizona Republic, dated 2-28-04, reviewing the proposed trust-land reform bill. She also distributed a draft of promotional material outlining the benefits of the reform. Carla went on to explain that the drafting committee, working with the legislative council, had converted the document to legal language consisting of 125 pages. She

stated that the document had just been given to legislative leadership and the Governor. She noted that there are three parts to the reform, the first two of which must be voted on. The third part, relating to session law and approved only by the legislature, was a potential problem area and the subject of discussion. Carla noted that the goal was to ensure that a key part of the reform related to conservation was voter protected.

Carla reviewed the concept of incentive lands, explaining that, should the reform pass, those lands would be given to the local entity at no cost as part of a larger program. In response to a question from Commissioner Myers, she stated that, under this reform, the Arizona Preserve Initiative would go away. Most Arizona Preserve Initiative land is either incentive or option land on the reform map. She noted that there are a few anomalies, and Scottsdale is one of them. Carla referred to a seven hundred eighty acre parcel on the reform map as land reclassified under API, but reclassified not as "deed restricted." So it was not classified as option or conservation priority. That land would continue to be grandfathered under the API rules, because if the reform passes API would be considered constitutional. Carla clarified that API as an entity would be dissolved, except for what has already been done and isn't covered by the reform, or is in process now. She added that option land would automatically be classified as conservation suitable by the State Land Department. Urban areas would have two to five years to assign value to the option land and sign a purchase agreement, and the city would then have 25 years in which to pay. Carla stated that Scottsdale is somewhere in the middle, and would probably have three years to work on a development agreement.

Vice Chair Kovach asked about the possibility of the municipality and the State Land Department failing to reach an agreement on price. Carla replied that an arbitration process is written into the reform.

PRESERVE STEWARDSHIP PROGRAM

Mr. Chet Andrews reviewed the genesis of the Commission. He mentioned the valuable groundwork done by Chair DeCabooter, Carla, Commissioner Kovach, Bill Ensign and Commissioner Korte. Mr. Andrews went on to discuss efforts to finance the formation of the Preserve and the subsequent approval of the sales tax increase for that purpose. He pointed out the need for the stewardship program as more land was being purchased for the Preserve. Mr. Andrews recalled that he and Commissioner Carla initiated the steward program, with the first training course in 1998 in partnership with SCC.

Mr. Andrews went on to describe the format for the stewardship classes, noting that the educational program has been expanded with the addition of refresher courses and mini courses. He explained the formation of five area teams assigned to specific areas of the Preserve, but stated that the number of teams has now grown to eleven. Mr. Andrews noted that Ms. Miller came on board in 1998 and gave credit to her for providing the expertise to build and mitigate trails. He discussed the assistant steward program, noting that half of the last class of stewards had started as assistant stewards. Mr. Andrews pointed out the drafting of a five-year plan, plans to move into a new office in 2004, and the four or five social events that are held each year. He concluded by advising the Commissioners that as of the completion of class number six, over 120 stewards have been trained, of which 81 are active. There are also 21 assistants currently working in the Preserve.

Mr. Bernie Finkel discussed the strategies for managing the stewards to accommodate the tremendous diversity of users in the Preserve. He called attention to Jerry Miller from the McDowell Sonoran Land Trust, who compiles all of the information from the steward's monthly reports and sends that information to Ms. Miller. Ms. Miller then prioritizes the information and sends back a two-month schedule. Mr. Finkel stated that this method works very well in maintaining control of any emerging issues or problems.

Mr. Finkel also applauded the efforts of the Annie Collins, who has shaped the hiking group into a very successful part of the program. He went on to discuss the increased use of technology, noting that GPS units, digital cameras, and smart phones are all being utilized. He also noted the steward website. Mr. Finkel stated that the steward program has resulted in a great savings to the city and that over 5000 hours were logged last year, equivalent to \$80,000 in savings to the city. He expressed great optimism regarding the future of the program. Mr. Andrews encouraged members of the Commission to enroll in the steward course. Commissioner Whitehead commended Mr. Andrews and Mr. Finkel for their efforts.

Commissioner Myers asked about how the stewards deal with dirt bikers in Granite Mountain. Mr. Andrews replied that excess state funds had been used to install signs indicating trails that could be used by various off-road vehicles. He noted an improvement and stated that work was ongoing to cover prohibited trails with teddy bear balls and other materials to discourage travel. Mr. Finkel added that all interaction between the stewards and the public is non-confrontational. Discussion ensued as to possible enforcement capability. Commissioner Carla stated that the Planning Committee was working on that issue.

PRESERVE MANAGER'S REPORT

Ms. Miller stated that, as a result of an unauthorized trail use in Legend Trails, she had been working with the steward and the Eagle Scouts on a trail mitigation project. She noted that they were able to close off the trail and that the person responsible has been informed of the infraction and that a permit is necessary. She went on to state that the Sunrise Trail project will be a significant one, and that a professional trails contractor has been chosen. Ms. Miller informed the Commissioners that she and Jerry Miller had attended an ASCOT Trails Workshop, and that the Planning Committee was working on enforcement issues. Ms. Miller commented that Officer Yedowitz had indicated an interest in participating in a ranger program of some sort in the future. She stated that she was working on steward involvement in the Sol Fest event.

Ms. Miller addressed the issue of commercial permits, and distributed a handout with outstanding questions to be resolved, comments from Commissioner Carr, and some additional information on the Grand Canyon requirements for commercial use. She indicated that she had given the draft copy to legal staff and they had requested a more formalized version. Ms. Miller asked for Commissioner input on the proposed fee structure and any other comments. Discussion ensued. Carla requested that the Commissioners to provide their input to Ms. Miller within the following week and a half.

DIRECTOR'S REPORT

Mr. Cafarella announced that a settlement with Ancala had been reached. He noted that the settlement was \$6,800,000 with no severance damage, with the latest appraisal coming in at \$5,900,000. He added that the property owner's appraisal was at \$9,250,000. Mr. Cafarella stated that the courts have clearly articulated that the Preserve is an appropriate public activity. He advised that the agreement would go to City Council on March 16, with acceptance anticipated. He also noted that with the exception of Toll, which has only zoning issues, the remainder of the land is raw desert.

Mr. Cafarella stated that City Council had awarded a contract to Northwest Woodland, one of the premier trail building entities in the country. The bid was \$123,000. He recalled the funding of \$150,000 plus \$32,000 from the Heritage grant for the trail, and explained that staff was looking at some potential ideas for the excess funds. He stated that a ground breaking was anticipated in mid April. He added that the trail would be done before the trailhead, so official use would not occur until September or October.

Mr. Cafarella stated that the Hidden Hills Trailhead is slated for City Council on May 4 to allow issuance of a contract for the construction of the trail. Lastly, Mr. Cafarella discussed the city's application to purchase a parcel of land not included in the state trust package. He stated that a group has surfaced challenging API auctions when the land in the auction is deed restricted. A challenge has occurred in Tucson and Phoenix and the Land Commissioner had given Phoenix the option to proceed or delay. The City has decided to delay their Growing Smarter application. Mr. Cafarella observed that Scottsdale would soon have to make a decision as well, noting that access to the property is at issue. He surmised that the best course of action at this time was not to move forward. Discussion ensued relative to access.

FUTURE EXECUTIVE SESSION

COMMISSIONER ROY MOVED AND COMMISSIONER MYERS SECONDED A MOTION TO HOLD AN EXECUTIVE SESSION FOR APRIL 8, 2004, FOR THE PURPOSE OF DISCUSSION WITH REPRESENTATIVES OF THE PUBLIC BODY AND CONSULTATION WITH CITY ATTORNEY FOR LEGAL ADVICE TO CONSIDER ITS POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING NEGOTIATING FOR PURCHASE OR LEASE OF REAL PROPERTY FOR INCLUSION IN THE MCDOWELL SONORAN PRESERVE. COMMISSIONER. THE MOTION PASSED UNANIMOUSLY BY A VOTE OF NINE (9) TO ZERO (0).

COMMISSIONER COMMENTS AND PUBLIC COMMENTS

Commissioner Ruff referenced the Scottsdale Hall of Fame and informed the Commission that Jane Rau would be inducted as a member this year.

Ms. Rau commented on the beauty of the Preserve and encouraged the Commissioners to visit the Preserve and enjoy spring and the new growth it brings.

Commissioner Carla advised the Commissioners that a political action committee had been formed to promote the May 18 vote, asking for a "yes" vote on all three questions. She requested that Commissioners contact her by e-mail for additional information.

Mr. Meserve noted that March is National Archeology month, and stated that respect for archeological sites would be promoted by the city in a flier, and that the topic would be included in the steward classes.

AGENDA ITEMS FOR FUTURE MEETINGS

President DeCaboooter stated that the next meeting would be April 8, 2004 and asked for agenda items for that meeting. Mr. Cafarella noted the commercial permitting, State Land Reform and the trailhead and trails were scheduled for discussion. Commissioner Myers recalled that meetings with other commissions had been mentioned at a prior meeting and asked for follow-up on this issue. Commissioner Carla stated that the planning committee would present its findings on enforcement issues at the one of the next two meetings.

Being duly moved and seconded, the regular meeting was adjourned at 6:34p.m.

Respectfully submitted,

"For the Record" Reporters